

Examination showed that the product consisted essentially of isopropyl alcohol, 78 percent, and boric acid and menthol, and green coloring matter such as chlorophyll.

LABEL, IN PART: "Baldwin Antiseptic Hair and Scalp Tonic * * * Contains 64% Alcohol by Vol. (not Ethyl)."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling were false and misleading since the product was not a hair tonic and was not effective for the purposes represented and suggested: (Bottle label) "Hair and Scalp Tonic" and (circular and display card) "Hair and Scalp Tonic * * * Promotes the growth of new hair * * * discourages seborrhea—(dandruff), and falling hair. Tightens up and promotes the growth of already existing hair, restores natural color in most instances"; Section 502 (b) (2), the product was a drug in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (e), the label failed to reveal the kind and amount of alcohol present.

DISPOSITION: June 6, 1949. Default decree of condemnation and destruction.

2888. Misbranding of Jack Eldredge Foot Roller and Jack Eldredge Shock Absorber. U. S. v. 35 Devices, etc. (F. D. C. No. 26604. Sample Nos. 41695-K, 41697-K.)

LIBEL FILED: February 17, 1949, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about February 12, April 28, May 15, and June 6, 1948, by the Jack Eldredge Health Foundation, from Cleveland, Ohio.

PRODUCT: 35 devices known as *Jack Eldredge Foot Roller*, 14 cartons each containing a circular entitled "Something to Think About," and a device known as *Jack Eldredge Shock Absorber* at Milwaukee, Wis., together with 59 additional circulars of the above title. The *Jack Eldredge Foot Roller* consisted of a corrugated wooden roller; the *Jack Eldredge Shock Absorber* consisted of a rubber and leather shoe insole, equipped with pockets, together with assorted sizes of sponge rubber inserts.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling were false and misleading since the devices were not effective in the treatment of the conditions stated and implied: (Statements in circular relating to *Jack Eldredge Foot Roller*) "Something to think about" * * * The following brief and simple instructions will improve the circulation of the blood, which in turn tones up the muscles, removes irritation, and aids the blood stream to feed the muscles and strengthen the 26 bones in each foot * * * feeling caused by blood circulating through congested tissues * * * Arch builder * * * Bunions," (statements on carton relating to *Jack Eldredge Shock Absorber*) "Shock Absorber * * * relief from sore * * * aching feet * * * promotes circulation," (circular) "Stop saying my feet are killing me * * * Shock Absorbers * * * relief from sore * * * aching feet, fallen arches, bunions, calluses, all foot and leg pains, or any kind of foot trouble, through my method of mechanical foot correction * * * Promotes circulation * * * with body twisted and joints all bent. Bunions, hammer toes and corns on feet * * * changing to a more natural postural position * * * promotes proper and better functional activity * * * circulation is to be stimulated * * * foot condition improved * * * we have reports from many of our users that pains in the back, knees, hips, cramps in the legs and even their posture, has

been greatly benefited, by the use of the Jack Eldredge Shock Absorbers * * * nervous system can go haywire * * * Nervousness, pain in hips, leg pains, varicose veins, ingrown toe nail, calluses, tender heel, flat foot, corns, cramped toes, bunions, pain in knee, neuritis and sciatica, backache, body fatigue, droop shoulder * * * marks of pain leave her face * * * pains * * * eliminated * * * I was laid off for 90 days because my feet went back on me * * * Jack Eldredge Shock Absorbers put me back to work in 5 days."

DISPOSITION: July 11, 1949. Default decree of condemnation and destruction.

2889. Misbranding of Therm-Massage Infra-Red Heat Applicator. U. S. v. 22 Cartons * * *. (F. D. C. No. 27301. Sample No. 42753-K.)

LIBEL FILED: June 16, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 5, 1947, by Sibert & Co., from Jamaica, L. I., N. Y.

PRODUCT: 22 cartons each containing 1 *Therm-Massage Infra-Red Heat Applicator*, together with a circular bearing the same name at Chicago, Ill. Examination showed that the device consisted of 2 pieces of molded plastic, one serving as the handle and the other containing an electrically heated coil.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the device bore false and misleading curative and therapeutic claims in substantially the same respect as the device involved in notices of judgment on drugs and devices, No. 2592.

DISPOSITION: September 12, 1949. Default decree of condemnation and destruction.

2890. Misbranding of Vitalizer (device). U. S. v. 1 Vitalizer, etc. (F. D. C. No. 27218. Sample No. 42044-K.)

LIBEL FILED: May 20, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 4, 1949, from Milwaukee, Wis., by the Cosmic Wave Machine Co.

PRODUCT: 1 *Vitalizer* (device) at Chicago, Ill., together with a circular entitled "Cosmic Wave Vitalizer" and another entitled "Cosmic Wave Vitalizer Endocrine Dysfunctions." The device was designed to produce an electromagnetic field.

LABEL, IN PART: "Vitalizer Uses 110 to 125 Volts AC."

NATURE OF CHARGE: Misbranding, Section 502 (a), the name "Vitalizer" and certain statements in the circulars were false and misleading. The name represented and suggested that the device would produce vitality, and statements in the circulars represented and suggested that the device, by application of its waves to the blood passing through the feet, would bring about a response of the nerves and tissues and would materially improve the venous, arterial, and capillary circulation; that it would wash away congestion, relieve pressure and pain, and revitalize atrophied muscles; and that it would be effective in the treatment of malaria fever, prostate trouble, gall bladder sluggishness, nervous indigestion, weak back, nervous and dizzy spells, varicose veins, headaches, colds, fallen arches, phlebitis, leg ulcers, kidney convulsion, backaches, foot trouble, arthritis, asthmatic conditions, blood pressure, burns, and in-